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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KEVIN FIGGERS,

Defendant.

Case No.: 2:20-mj-00302-DJA

**ORDER TO CONTINUE  
PRELIMINARY HEARING**  
(Fourth Request)

IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A. Trutanich, United States Attorney, and Melanee Smith, Assistant United States Attorney, counsel for the United States of America, and Rene L. Valladares, Federal Public Defender, and Nisha Brooks-Whittington, Assistant Federal Public Defender, counsel for Kevin Figgers, that the Preliminary Hearing currently scheduled on October 26, 2020 at 4:00 p.m., be vacated and continued to a date and time convenient for the Court, but no earlier than sixty (60) days.

The Stipulation is entered into for the following reasons:

1. The parties are involved in discussions and may possibly negotiate this case which may obviate the needs for a preliminary hearing.
2. The defendant is incarcerated and does not object to the continuance.
3. The parties agree to the continuance.

1           4.       The additional time requested by this stipulation is excludable in computing the  
2 time within which the indictment must be filed pursuant to the Speedy Trial Act, Title 18, United  
3 States Code, Section 3161(b), considering the factors under Title 18, United States Code, Section  
4 3161(h)(7)(A) and (B)(i) and (iv). The additional time requested by this stipulation also is  
5 excludable in computing the 90-day speedy trial clock imposed by the Speedy Trial Act, Title 18,  
6 United States Code, Section 3161(c), considering the factors under Title 18, United States Code,  
7 Section 3161(h)(7)(A) and (B)(i) and (iv).

8           5.       This continuance is not sought for purposes of delay, but to account for the Court's  
9 limited resources, so that the parties can reach a negotiated resolution, and the necessary social-  
10 distancing in light of the COVID-19 public health emergency.

11           6.       Denial of this request could result in a miscarriage of justice, and the ends of  
12 justice served by granting this request outweigh the best interest of the public and the defendant  
13 in a speedy trial.

14           This is the third stipulation to continue filed herein.

15           DATED: This 23<sup>rd</sup> day of October, 2020.

16           RENE L. VALLADARES  
17           Federal Public Defender

              NICHOLAS A. TRUTANICH  
              United States Attorney

18           */s/ Nisha Brooks-Whittington*  
19           By \_\_\_\_\_  
              NISHA BROOKS-WHITTINGTON  
              Assistant Federal Public Defender

*/s/ Melanee Smith*  
              By \_\_\_\_\_  
              MELANEE SMITH  
              Assistant United States Attorney

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 vs.

6 KEVIN FIGGERS,

7 Defendant.

Case No.: 2:20-mj-00302-DJA

**ORDER**

8 IT IS ORDERED that the Preliminary hearing currently scheduled for Monday,  
9 October 26, 2020 at 4:00 p.m., be vacated and continued to December 28, 2020, at  
10 4:00 p.m. in Courtroom 3A.

11 DATED this 23rd day of October, 2020.



12  
13 HON. DANIEL J. ALBREGTS  
14 UNITED STATES MAGISTRATE JUDGE  
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